

REMARKS

Claims 3 to 6, 12, 13, 17, 19 to 22 and 27 through 35 continue to be under consideration.

The Office Action refers to Claim Rejections • 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 3-6, 12, 13, 17, 19-22 and 27-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke (2,808,749) in view of Hendrickson (3,430,510).

The rejection is respectfully traversed.

There is no teaching or suggestion within the four corners of the references Lampke and Hendrickson to provide any combination of these references. There is a complete lack in these references of any way to further improve these references by means of combination.

Lampke meet the limitations of the above claims, e.g., in Fig. 3, handle (63); handle drive shaft (65); handle sleeve mounting collar (68); extension sleeve (41) with first end formed with an interface collar (49) attached to mounting collar (68) and second end formed as in interface thread (45); extension shaft (55) having first end (61) and second end (47) disposed parallel and centered to the extension sleeve; shaft drive tang (57); ratchet head having a socket mount (33) and a threaded collar (5) attached to the sleeve interface thread (45); head drive shaft (15) connected to shaft drive tang (57); wherein the shaft is unsupported apart from the support (including bearings) furnished by the drive shaft and extension shaft and by the ratchet head to the extension



shaft; and wherein the handle is directly attachable to the head (Fig. 5); except for disclosing an air power wrench and for disclosing a drive socket attached to the first end of the extension shaft and connected to the drive shaft (65) protruding from the handle (63) and for the length of the engagement points of the sleeve and the shaft.

The reference numeral 63 of the Lampke reference in column 2, line 42 is directed to an electric motor 63, and not to a handle as stated in the Office Action. The reference numeral 65 of the Lampke reference in column 2, line 43, and 44 is directed to a power shaft 65 of an electric motor 63, and not to a handle drive shaft as stated in the Office Action. The reference numeral 68 of the Lampke reference in column 2, line 46 is directed to a reduced end 68 of a chuck 67, and not to a mounting collar as stated in the Office Action. The reference numeral 41 of the Lampke reference in column 2, line 43 is directed to a handle 41, and not to an extension sleeve as stated in the Office Action. The reference numeral 49 of the Lampke reference in column 2, line 33 is directed to an internally threaded socket 49, and not to an interface collar as stated in the Office Action. The reference numeral 45 of the Lampke reference in column 2, line 30 is directed to a reduced threaded front end 45, and not to an interface thread as stated in the Office Action. The reference numeral 55 of the Lampke reference in column 2, line 40 is directed to a drive shaft 55, and not to an extension shaft as stated in the Office Action. The reference numeral 61 of the Lampke reference in column 2, line 44 is directed to a rear end 61 of the drive shaft 55, and not to a first end as stated in the Office Action. The reference numeral 47 of the Lampke reference in column 2, lines 36 and 37 is directed to a reduced front end 57, and not to a second end as stated in the Office Action. The reference numeral 68 of the Lampke reference in column 2, line 46 is directed to a reduced end 68 of a chuck 67, and not to a shaft drive tang as stated in the Office Action. The reference numeral 33 of the

Lampke reference in column 2, lines 19 and 20 is directed to a hexagonal relatively longer wrench socket driving shaft 33, and not to a socket mount as stated in the Office Action. The reference numeral 5 of the Lampke reference in column 1, lines 64 and 65 is directed to a threaded socket 5, and not to a threaded collar as stated in the Office Action. The reference numeral 15 of the Lampke reference in column 2, line 2 is directed to a hub 15, and not to a head drive shaft as stated in the Office Action.

Hendrickson teaches connecting the drive shaft to the handle and to the head using corresponding socket and boss means (27, 56).

According to the reference Hendrickson, column 4, lines 45 through 47 :
 "Overlaying the dial plate is a pointer member 27 which contains prongs 29 inserted into receiving slots 30 within the body of shaft 11." Thus element 27 is not a socket but a pointer member. According to the reference Hendrickson, column 4, line 62, the element 57 is a shaft and not a boss member as alleged in the Office Action.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pneumatic wrench and socket and boss connection means as taught by Hendrickson, 04:56 in adapting the invention for application requiring pneumatic drive and in ease of assembly/production.

It is not clear what a pointer member 27 and a shaft 56 have to do to adapt the present invention for application requiring pneumatic drive and in ease of assembly/production. Applicants respectfully submit that

the present invention is for a pneumatic drive and does not need any adaptation in view of the Hendrickson reference.

Applicants urge that there is no adaptation of the references Lampke and/or Hendrickson by a person of ordinary skill in the art for ease in assembly or production to result in the present invention.

With regards to choosing a size of the sleeve and shaft, it is noted that the combination would result in a sleeve substantially equal to the shaft, since the extra portion of the shaft extending within the chuck 67, is eliminated in view of Hendrickson, however with regards to claims 4 and 6 the combination does not disclose an extension and a shaft having a length between 6 to thirty inches, and for disclosing the range or a specific size of the plurality of extensions; obvious size modification to one of ordinary skill in the art dependent on work-piece/operational parameters, since it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention with regards to dimension or desired size, e.g., using 6 to 30 inches in adapting the tool for a particular application, since such modification would have involved a mere change in the size of a component.

There is no teaching or suggestion in the references Lampke and Hendrickson to eliminate the part 61 of the drive shaft 55. The Lampke reference states specifically in column 2, lines 42 to 46: " An electric motor 63 has its power shaft 65 drivingly detachably connected to the rear end 61 of the drive 55 by a suitable spline connection 66". There is absolutely no teaching in the Lampke reference to remove the rear end 61 from the construction. It is respectfully submitted that removal of the rear end 61 from

the construction of the Lampke reference would render the construction of Lampke non-operational.

The present invention involves more than just changing the size of the shaft. The present invention makes the drive shaft 77 of the Lampke reference superfluous. It is respectfully submitted, that where a device employs necessarily because of its construction additional elements that then the saving of such components is a non-obvious feature of an invention.

A change in size is generally recognized as being within the level of ordinary skill in the art. *In re* Rose, 105 USPQ 237 (CCPA1955) and since it would have been "obvious to try"-choosing from finite number of identified, predictable solutions, with a reasonable expectation of success.

Applicants respectfully disagree.

Claim 3 requires that "wherein a length of the ratchet extension sleeve is substantially equal to a length of the ratchet extension shaft,". Having this size condition met no additional shafts are needed for assembling, adapting or modifying useful tools. This is a big advantage as it is not necessary to carry a further shaft piece when the extension configuration is mounted. In contrast, The reference Lampke needs an additional drive shaft piece 77, which is only in the short form of the device of the reference Lampke needed for operation and is not used in the extended form. The elimination of the drive shaft 77 according to the present invention furnishes simplicity and cost savings and reduces the number of parts, which have to be carried around.

Lampke modified in view of size and in view of Hendrickson meets the limitations of claim 13, e.g., the types of connections having similar constructions between the head and the handle.

The last two lines of claim 13 read: "wherein the drive tang is compatible to the drive shaft, wherein the ratchet head drive shaft is compatible to the drive socket."

This means that the drive tang can engage the drive shaft and that the ratchet head drive shaft can engage the drive socket. This statement of compatibility refers to the dual connectivity possibility with and without shaft extension.

Lampke modified by Hendrickson as described meets all of the limitations of claims 17, 19-22 and 33-35, e.g., no contact between the shaft and the sleeve.

Applicants respectfully disagree. The provision of bearings between shaft and sleeve represents an indirect contact between shaft and sleeve in the references Lampke and Hendrickson.

With regards to claims 27, 32 and 35, Lampke modified by Hendrickson meets all of the limitations except for not using bearings; however eliminating the bearings, to save manufacturing costs, would have been obvious to one of ordinary skill in the art; and providing a plurality of differently sized extensions for convenience of a kit would have been obvious to one of ordinary skill in the art.

Applicants respectfully disagree. While it is true that an elimination of bearings will save manufacturing costs, this is not all there is to it. The elimination of bearings from the references Lampke and Hendrickson would render their constructions non-operating. The presence of bearings is generally a sign that the bearings perform a function in the reference

constructions. The bearings of the references Lampke and Hendrickson are necessary parts of their teaching. The teaching of the references Lampke and Hendrickson clearly includes the presence of bearings for an operable device.

Applicants have successfully sold their invention device over many years. They have a web site "gbproductsinc.com". A copy of the testimonials section of the web site is attached. The testimonials listed indicate that the invention resolved a need in the market.

The Office Action refers to *Response to Arguments*

4. Applicant's arguments filed August 14, 2009 have been fully considered but they are not persuasive. The argument that changing a size of drive shaft 55 of Lampke in this case would entail changes of spline connection 66, power shaft 65, chuck 67, socket 49 and ball bearing unit 51, regarding claims 3-6, is moot in view of the new grounds of rejection. However, this argument is not persuasive with regards to the combination applied to the claims, since using a boss and socket type connection means as taught by Hendrickson, would eliminate the need for a suitable chuck, thus resulting to a substantially equal length of sleeve and shaft. The wrench as disclosed by Lampke once modified by quick connection means of Hendrickson meets all of the limitations of claims as recited.

Applicants' respectfully traverse this allegation of the Office Action. It is not clear what is to be understood, what is entailed by the wrench as taught by Lampe once modified by quick connection means of Hendrickson. Is the element 54 of Hendrickson the quick connection means?

The type of the tool, e.g., angle head of Lampke is not modified, only the connection is changed per the teaching reference, firstly for easy and quick connect/disconnect and secondly for adapting the extension of Lampke for power tools having a drive shaft (boss type) as disclosed by Hendrickson.

It is not clear what the Office Action would consider a connection in a combination of the references Lampke and Hendrickson. What parts does a connection include, and how is the connection changed? What parts are forming the connection?

Arguments regarding individual references are not valid since one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hendrickson is utilized to teach the use of pneumatic wrench and boss connection. The combination further modified in view of size meets the claims as recited. The argument that removal of bearing support is not persuasive, since saving cost is a motivation well within the knowledge of one of ordinary skill in the art and a specific reference to such modification by any reference is not required as such modification would only require routine experimentations with predictable results.

Applicants respectfully traverse. Apparently the Office Action holds that the teaching of bearing supports in the references is just a waste of money and not a constructive necessity. The Lampke reference in column 2, lines 39 to 41 states: "A reduced rear end 61 on the drive shaft 55 is journaled in the ball bearing unit 51 and

through the bearing 51." Applicants respectfully submit that the removal of bearing 51 would not save money but instead waste money expended on a non-operating device.

Examiner is available for a telephone interview in expediting the prosecution, should applicant wishes.

Applicants' attorney thanks the Examiner for proposing a telephone interview. The undersigned has tried to contact the Examiner by telephone. More attempts to contact the Examiner are planned by the undersigned.

Reconsideration of all outstanding rejections is respectfully requested.

Respectfully submitted,

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